

**THOMPSON LAW, LLC**

Colin M. Thompson, Esq.  
J.E. Tenorio Building  
PMB 917 Box 10001  
Saipan, Mariana Islands 96950  
Telephone: (670) 233-0777  
Facsimile: (670) 233-0776

*Attorney for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS**

**ART MAN CORPORATION,**

**Plaintiff,**

**vs.**

**IMPERIAL PACIFIC INTERNATIONAL  
(CNMI), LLC,**

**Defendant.**

**Case No. 1:21-cv-00038**

**DECLARATION OF COLIN M.  
THOMPSON IN SUPPORT OF  
MOTION TO COMPEL AND  
ORDER SANCTIONS PURSUANT  
TO FED. R. CIV. P. 37(a)(3)(B)(iii),  
ET SEQ., AND 37(d)(1)(A)(ii)**

I, Colin M. Thompson, under penalty of perjury, and based on personal knowledge, do hereby affirm and certify as follows:

1. I am the attorney of record for Art Man Corporation (“Art Man”).
2. On August 4, 2022, my office served Imperial Pacific International (CNMI), LLC (“IPI”) by personally delivering Plaintiff’s First Request for Production of Documents to Defendant Imperial Pacific International (CNMI), LLC and Plaintiff’s First Set of Interrogatories to Defendant Imperial Pacific International (CNMI), LLC (hereinafter collectively referred to as “Discovery Requests) to Defendant’s counsel’s office, San Nicolas Law Office, LLC.
3. IPI was served Discovery Requests before IPI’s counsel withdrew.

1           4.       IPI was required to serve its responses to Discovery Requests on or before  
2       September 5, 2022.

3           5.       IPI failed to serve its responses to Discovery Requests on or before September 5,  
4       2022.

5           6.       On October 6, 2022, my office emailed IPI's registered agent, Howyo Chi, a letter  
6       to discuss IPI's failure to provide responses to the Discovery Requests.

7           7.       I certify that I attempted to meet and confer in good faith to resolve IPI's failure  
8       to provide responses to the Discovery Request.

9           8.       On October 6, 2022, IPI's registered agent confirmed that he received the Meet  
10       and Confer Letter.

11           9.       Attached as **Exhibit A** is a true and correct copy of Howyo Chi confirming that he  
12       received the letter to discuss IPI's failure, and the letter itself.

13           10.      The meet and confer was set for October 12, 2022 at 11:00 a.m. at my office.

14           11.      Howyo Chi failed to meet and confer scheduled for October 12, 2022 at 11:00 a.m.  
15       at my office.

16           12.      Howyo Chi did not contact me before the agreed upon time and date that he could  
17       not meet and confer.

18           13.      On October 13, 2022, I met and conferred with Howyo Chi in the United States  
19       District Court for the Northern Mariana Islands.

20           14.      Howyo Chi represented that IPI was unable to comply with Discovery Requests  
21       because it does not have an attorney.

1           15.     On October 14, 2022, my office emailed Howyo Chi a letter that advises Howyo  
2 Chi that a Motion to Compel will filed against IPI for its failure to provide responses to the  
3 Discovery Request.

4           16.     Attached as **Exhibit B** is a true and correct copy of the letter that advises Howyo  
5 Chi that a Motion to Compel will be filed against IPI, and the email to Howyo Chi.  
6

7  
8           I declare under penalty of perjury that the foregoing is true and correct.

9           Executed on October 14, 2022.

10                               /s/ Colin. M. Thompson  
11                               **THOMPSON LAW, LLC**  
12                               Colin M. Thompson  
13                               *Attorney for Plaintiff*  
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Re: NMI District Court Case No. 1:21-cv-00038

IPI Legal <ipicnmi.legal@gmail.com>

Thu 10/6/2022 4:32 PM

To: Ardel Ciolo <ardel.cmtlaw@outlook.com>

Cc: Colin Murphy Thompson <CMTLAW@live.com>; Dasery Babauta <dasery.cmtlaw@outlook.com>; Maeyesha T. Fejeran <Mae.cmtlaw@outlook.com>; Joedy San Nicolas <joedy.cmtlaw@outlook.com>

Confirm receipt. Could you also forward a list of discovery requests please?

Regards,  
Chi

On Thu, Oct 6, 2022 at 2:50 PM Ardel Ciolo <[ardel.cmtlaw@outlook.com](mailto:ardel.cmtlaw@outlook.com)> wrote:

Dear Mr. Chi,

Attorney Thompson asked me to send the attached *Art Man Corporation v. Imperial Pacific International (CNMI), LLC*, Case No. 1:21-00038, Failure to Produce Discovery Responses / Meet and Confer Letter for your review and record. Please acknowledge that you've received the document.

Best Regards,

Ardel Ciolo  
Legal Assistant III

Thompson Law, LLC  
J.E. Tenorio Building  
PMB 917 P.O. Box 10001  
Saipan, Mariana Islands 96950  
T 670 233 0777 | F 670 233 0776  
[ardel.cmtlaw@outlook.com](mailto:ardel.cmtlaw@outlook.com)

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T: (670)-233-0777  
F: (670)-233-0776  
E: cmtlaw@live.com

How Yo Chi  
ipicnmi.legal@gmail.com  
Saipan, MP 96950.

October 6, 2022

Re: Art Man Corporation v. Imperial Pacific International (CNMI), LLC, Case No. 21-00038, Failure to Produce Discovery Responses / Meet and Confer Letter

Dear Mr. Chi

As you are aware, you are the registered agent of Imperial Pacific International (CNMI), LLC ("IPI"). On August 4, 2022, I served upon IPI's former counsel San Nicolas Law Office, LLC (Attorney Joey P. San Nicolas), with written requests for production of documents, interrogatories, and requests for admission.

I served IPI's former counsel San Nicolas Law, LLC before his Motion to Withdraw hearing occurred. Thus, as IPI's registered agent, Mr. Chi, you are responsible for serving IPI's discovery responses on or before September 5th, 2022. To date, no responses have been received.

This letter shall serve as my initial attempt to comply with meet and confer obligations pursuant to applicable Federal law. I would like to meet and confer with you at my office on October 12, 2022 at 11:00 a.m. regarding IPI's failure to serve responses.

Please contact me if you have any questions or concerns.

Very Truly Yours,

/s/ Colin M. Thompson  
**THOMPSON LAW, LLC**  
Colin M. Thompson

Re: NMI District Court Case No. 1:21-cv-00038

Joedy San Nicolas <joedy.cmtlaw@outlook.com>

Fri 14-Oct-22 4:37 PM

To: IPI Legal <ipicnmi.legal@gmail.com>

Cc: Colin Murphy Thompson <CMTLAW@live.com>; Ardel Ciolo <ardel.cmtlaw@outlook.com>; Dasery Babauta <dasery.cmtlaw@outlook.com>; Maeyesha T. Fejeran <Mae.cmtlaw@outlook.com>

 1 attachments (115 KB)

221014-Artman-Failure to Meet and Confer.pdf;

Dear Mr. Chi,

Attorney Thompson asked me to send the attached Letter dated October 14, 2022 for your review and consideration. Please acknowledge that you've received the document.

If you have any questions or concerns, please feel free to contact our office.

Best Regards,

Joedy-Lyn O. San Nicolas  
Legal Assistant II

Thompson Law, LLC  
J.E. Tenorio Building  
PMB 917 P.O. Box 10001  
Saipan, Mariana Islands 96950  
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joedy.cmtlaw@outlook.com

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**From:** IPI Legal <ipicnmi.legal@gmail.com>

**Sent:** Wednesday, October 12, 2022 5:21 PM

**To:** Ardel Ciolo <ardel.cmtlaw@outlook.com>

**Cc:** Colin Murphy Thompson <CMTLAW@live.com>; Dasery Babauta <dasery.cmtlaw@outlook.com>; Joedy San Nicolas <joedy.cmtlaw@outlook.com>; Maeyesha T. Fejeran <Mae.cmtlaw@outlook.com>

**Subject:** Re: NMI District Court Case No. 1:21-cv-00038

Hello Mr. Thompson.,

My apologies for missing the meeting this morning for Artman and Rongkun Xiao case. I had to deal with an emergency in the morning. I stopped by this afternoon but you were already out of the office.

Are we able to reschedule? I'd be available anytime tomorrow or Friday.

Regards,  
Chi

On Thu, Oct 6, 2022 at 2:50 PM Ardel Ciolo <[ardel.cmtlaw@outlook.com](mailto:ardel.cmtlaw@outlook.com)> wrote:

Dear Mr. Chi,

Attorney Thompson asked me to send the attached *Art Man Corporation v. Imperial Pacific International (CNMI), LLC*, Case No. 1:21-00038, Failure to Produce Discovery Responses / Meet and Confer Letter for your review and record. Please acknowledge that you've received the document.

Best Regards,

Ardel Ciolo  
Legal Assistant III

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T: (670)-233-0777  
F: (670)-233-0776  
E: cmtlaw@live.com

October 14, 2022

Howyo Chi  
ipicnmi.legal@gmail.com  
Saipan, MP 96950.

Re: Art Man Corporation, v. Imperial Pacific International (CNMI), LLC,  
Case No. 21-00038, Failure to Meet and Confer / Motion to Compel

Dear Mr. Chi

As previously discussed, Imperial Pacific International (CNMI), LLC ("IPI") failed to provide or produce discovery responses to the requests served to your former counsel, Attorney Joey P. San Nicolas. I informed you of my initial attempt to comply with meet and confer obligations pursuant to applicable Federal law. On October 5, 2022 you confirmed that you would appear in my office on October 12, 2022 at 11:00 a.m. to discuss IPI's failure to serve discovery responses for the above-mentioned matter.

On October 12, 2022 you failed to appear in my office nor contact me to discuss IPI's failure to serve discovery responses or schedule a later date to meet and confer. We met in October 13, 2022, in Court and discussed this matter. You represented that IPI was unable to comply with discovery requests because it does not have an attorney.

Please be advised that we intend to move the Court to take action against IPI. We reserve the right to seek all sanctions provided under Federal law, including striking IPI's Answer and seeking attorney's fees for the enforcement of Mr. Xiao's rights given IPI's failure to provide discovery responses within the September 5, 2022 deadline.

Please contact me if you have any questions or concerns.

Very Truly Yours,

*/s/ Colin M. Thompson*

**THOMPSON LAW, LLC**  
Colin M. Thompson